

1 **BRILES_M.taxgar6**

2 LEONARDO M. RAPADAS

United States Attorney

3 MIKEL W. SCHWAB

Assistant U.S. Attorney

4 JESSICA F. CRUZ

Assistant U.S. Attorney

5 Sirena Plaza, Suite 500

108 Hernan Cortez Avenue

6 Hagåtña, Guam 96910

TEL: (671) 472-7332

7 FAX: (671) 472-7215

8 Attorney's for United States of America

9
10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE DISTRICT OF GUAM

12 UNITED STATES OF AMERICA,)

13 Plaintiff,)

14 vs.)

15 MICHAEL CORY BRILES,)

16 Defendant,)

17 DEPARTMENT OF REVENUE)

18 AND TAXATION,)

19 GOVERNMENT OF GUAM,)

20 Garnishee.)

MAGISTRATE CASE NO. 05-00037

**NOTICE TO DEFENDANT-
JUDGMENT DEBTOR ON HOW
TO CLAIM EXEMPTIONS**

21 **NOTICE TO DEFENDANT-JUDGMENT DEBTOR**
22 **ON HOW TO CLAIM EXEMPTIONS**

23 The attached pre-judgment or post-judgment process has been issued on request of the
24 United States of America.

25 The law provides that certain property and wages cannot be taken. Such property is said
26 to be exempted. This Notice lists the exemptions under federal law. There is no exemption
27 solely because you are having difficulty paying your debts.

28 //

1 If you claim an exemption, you should (i) fill out the claim for exemption form and (ii)
2 deliver or mail the form to the clerk's office of this court and counsel for the United States. You
3 have a right to a hearing within five business days, or as soon as practicable, from the date you
4 file your claim with the court.

5 If the United States of America as creditor is asking that your wages be withheld, the
6 method of computing the amount of wages which are exempt from garnishment by law is
7 indicated on the Claim for Exemption Form which is attached. You do not need to file a claim
8 for exemption to receive this exemption, but if you believe the wrong amount is being withheld,
9 you may file a claim for exemption.

10 On the day of the hearing, you should come to court ready to explain why your property
11 is exempted, and you should bring any documents which may help you prove your case. If you
12 do not come to court at the designated time and prove that your property is exempt, you may lose
13 some of your rights.

14 It may be helpful to you to seek the advice of an attorney in this matter.

15 DATED this 29th day of April, 2008.

17 LEONARDO M. RAPADA
18 United States Attorney
19 Districts of Guam and the NMI

20 By: /s/ Mikel W. Schwab
21 MIKEL W. SCHWAB
22 Assistant U.S. Attorney
23 mikel.schwab@usdoj.gov
24 JESSICA F. CRUZ
25 Assistant U.S. Attorney
26 Jessica.F.Cruz@usdoj.gov
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,)	MAGISTRATE CASE NO. 05-00037
)	
Plaintiff,)	
)	
vs.)	
)	CLAIM FOR EXEMPTION FORM
MICHAEL CORY BRILES,)	
)	
Defendant,)	
_____)	
DEPARTMENT OF REVENUE)	
AND TAXATION,)	
GOVERNMENT OF GUAM,)	
)	
Garnishee.)	
_____)	

CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- | | | |
|-------|----|---|
| _____ | 1. | Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family. |
| _____ | 2. | Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed \$6,250 in value. |

- _____ 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$3,125** in value.
- _____ 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- _____ 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.
- _____ 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- _____ 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.
- _____ 8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
- _____ 9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.
- _____ 10. Assistance under Job Training Partnership Act.
--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.

- _____ 11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

_____ I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(_____) or telephonically at (_____)
Address Phone No.

Debtor's printed or typed name

Signature of debtor

Date